

**SO ORDERED**

No opposition filed.



*Michelle M. Harner*  
MICHELLE M. HARNER  
U.S. BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
(Baltimore Division)

In re

**DAMOND and SHARAE DURANT**

Debtors

Bankruptcy Case: 17-20232-MMH

Chapter 7

**ORDER GRANTING THE UNITED STATES TRUSTEE'S  
MOTION IN LIMINE REGARDING ADMISSIONS OF FACT**

Upon consideration of the United States Trustee's Motion in Limine Regarding Admissions of Fact, of any opposition thereto, and finding good cause therefor, it is, by the United States Bankruptcy Court for the District of Maryland,

**ORDERED**, that the Motion is hereby **GRANTED** and that:

A. For purposes of this Order, the following terms shall have the following meanings:

1. The term “Debtor” shall refer to Debtor, Damond Durant, as well as any of his agents, employees, representatives and/or attorneys.

2. The term the “Inherited Money” refers to the money that Janice Denise Montgomery bequeathed to Damond T. Durant, Jr., upon her death that Debtor received and took possession of as custodian, including but not limited to \$67,751.60, possession of which was given to Debtor via check 1017 dated February 27, 2008 (copy attached as Exhibit 1) and \$8,053.23, possession of which was given to Debtor via check 1005 dated August 29, 2008 (copy attached as Exhibit 2).

B. Each of the following facts is deemed admitted for the purposes of all proceedings on the United States Trustee’s Motion to Dismiss for Abuse:

1. Each expenditure of the Inherited Money that Debtor made was made for a personal, family or household purpose.
2. Each expenditure of the Inherited Money that Debtor made was made primarily for a personal, family or household purpose.
3. None of the Inherited Money was used to purchase or invest in any business endeavor.
4. None of the Inherited Money was used to purchase stock or invest in the stock market.
5. None of the Inherited Money was used to purchase investment property.
6. None of the Inherited Money was used to purchase rental property.
7. None of the Inherited Money was used to purchase any property that generated income.
8. None of the Inherited Money was used to repay any income tax debt.
9. Some portion of the Inherited Money was used to purchase a motorcycle.

10. Some portion of the Inherited Money was used to pay for trips outside the continental United States.
11. Some portion of the Inherited Money was used to pay for vacations.
12. Debtor has not filed a Schedule C to any Federal Income Tax return he has filed since January 1, 2007.
13. Debtor has not owned or operated a business at any time since January 1, 2007.

cc: Hugh M. Bernstein  
Brian A. Goldman  
Kim D. Parker  
Jeffrey M. Sirody  
Debtors

**[END OF ORDER]**

# **EXHIBIT 1**

ESTATE OF JANICE DENISE MONTGOMERY C/O KRAMON & GRAHAM PA ONE SOUTH ST., STE. 2600 BALTIMORE, MD 21202-3291		1017
PAY TO THE ORDER OF	DATE <u>2/27/2008</u>	15-3285 540
<u>Diamond T. Durant, Jr., Custodian for Diamond T. Durant, Jr.</u>		\$ <u>67,751.68</u>
<u>Sixty-seven Thousand Seven Hundred Fifty-one and 60/100</u>		DOLLARS
PNC BANK PNC Bank, N.A. Maryland		
FOR <u>Distribution - 1st acct</u>		
⑈00101⑈ ⑈054000030⑈ 5500022372⑈		

## **EXHIBIT 2**

<b>ESTATE OF JANICE DENISE MONTGOMERY</b>		1005
<b>C/O KRAMON &amp; GRAHAM PA</b>		
ONE SOUTH ST., STE. 2600		
BALTIMORE, MD 21202-3291		
DATE <u>8/29/2008</u>		15-3 540 285
PAY TO THE ORDER OF	<u>Diamond T. Smart, Jr., Custodian for Diamond T. Smart Jr.</u>	\$ <u>8,053.23</u>
<u>Eight Thousand Fifty-Three and 23/100</u>		DOLLARS <input checked="" type="checkbox"/> <small>Security Features Check for Star</small>
<b>PNC BANK</b>		
<small>PNC Bank, N.A. 040 Maryland</small>		
FOR	<u>Final distribution</u>	<u>Gertrude C. Bant</u>
⑈001005⑈ ⑆054000030⑆ 5500022372⑈		